

JUN 14 2006

Mark Court
306 3rd Street
Wheatland, CA 95692

14 Jun 2006

In regards to: Patent Application 10/800,789

Director
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Subject: Reply/Rebuttal to Notice of Abandonment and official notice of my grievances
(page 1 of 3)

Dear Director,

On 26 May 2006 I received a phone call from the USPTO. The caller (I believe was Mark Tsidulko) wanted to know what the date of the last correspondence was that I sent. I said I would have to look at my copies of correspondence to verify the date he was asking about. I stated that the last correspondence that I sent was in response to the last correspondence I received from the USPTO. The last correspondence I received was the Advisory Action that was mailed from the USPTO on 13 Feb 2006. The Notice of Abandonment I received (mailed on 2 Jun 2006) is misleading and incorrect and this letter is official notice to document that incorrectness and my grievances. On the Notice of Abandonment form (PTOL-1432) box 1 is checked and states "Applicant's failure to timely file a proper reply to the Office letter mailed on 16 November 2005." Box (d) is checked "No reply has been received." Box 7 is checked "The reason (s) below: Mark Court confirmed no response to Final Office Action on 5/26/2006." First and foremost, I **did not** confirm "no response to Final Office Action" what I confirmed was the last correspondence I sent was in reply to the last correspondence I received from the USPTO which was the Advisory Action that was mailed on 13 Feb 2006. As I had responded to all other Office Actions I did in fact respond to the last Office Action Summary mailed from the USPTO on 16 Nov 2005. On 20 Dec 2005 I faxed a 10 page rebuttal (including 9 pages of supporting documentation) dated 20 Dec 2005 in response to the last Office Action Summary. On 21 Dec 2005 I mailed the same rebuttal to the USPTO. I have both the fax transmission report and return receipt from the Post Office as I have for all other correspondence that I sent to the USPTO pertaining to my patent application. In my 10 page rebuttal I presented valid counter arguments with references to specific patent rules and also included supporting documentation originating from the USPTO. In my rebuttal I also identified errors documented by the examiner. I believe I properly filed a correct and factual response because I specifically pointed out USPTO patent rules as evidence that the examiner made invalid statements on the second Final Office Action Summary. Three (3) days before the Shortened Statutory Period For Reply was set to expire the USPTO sent an Advisory Action on 13 Feb 2006. In response to the Advisory Action I

Subject: Reply/Rebuttal to Notice of Abandonment and official notice of my grievances
(page 2 of 3)
Patent Application 10/800,789

faxed a 4 page reply/rebuttal (dated 24 Feb 2006) to the USPTO on 24 Feb 2006. I also mailed this response to the USPTO. As I stated in my response to the Advisory Action I believe the timing of this correspondence was intentional by Mark Tsidulko and/or Sandra O'Shea. I pointed out in my response to the Advisory Action that the 8 lines of explanation was not clear. Most importantly the Advisory Action states "Applicant's arguments are not persuasive." but does not document/present any specific patent rules to substantiate this claim. In my response to the Advisory Action I asked for a full explanation, but to date I have not received any reply from the USPTO regarding this matter. This is yet another reason why I believe the examiner has erred yet once again. More importantly it supports my firm belief that my rebuttal is in fact valid. Once again I want to point out that I presented a 6 page rebuttal (dated 12 Oct 2005) in response to the first Final Office Action and it was acknowledged as persuasive. The examiner used a prior art reference that I successfully rebutted against. The examiner was wrong then. I strongly believe that the evidence I presented in my 10 page rebuttal to the second final Office Action Summary shows that the examiner is wrong again. In the second final Office Action Summary the examiner documented weak reasoning with reference to three (3) "ncw" prior art references. I rebutted the second final Office Action Summary by pointing out specific patent rules in my favor. In response I received a weak and unclear Advisory Action. I stated in my reply to the Advisory Action that I would present my rebuttal to the courts for review, but I did not pursue this strictly due to time constraints due to other commitments and the monetary expense involved. This was the strategy that the examiner and his supervisors were pursuing and hoping for. It is in no way whatsoever an admission that my 10 page rebuttal is not valid. My 10 page rebuttal is in fact valid and accurate until proven otherwise. I never consulted a patent attorney during the entire process because of the meticulous training I received with military regulations while I was in the military. This training gave me the ability to review patent rules and present valid substantiated arguments in opposition to the examiner's Office Action Summaries. It should be known to all that I have not abandoned my claim that I am the inventor of the Cats' Heart Shape Night Light ©. The claim of abandonment is merely a claim made by the USPTO and not indorsed by me. In previous correspondence I respectfully requested (three times) that the Director review the inaccuracies and errors that were documented during the review of my patent application, but I was denied this review. I strongly believe that my patent application should be examined under audit for the accuracy of the work your examiners and supervisors are performing. I (and the public) deserve patents that we have rightfully earned and rightfully belong to us. Patents should not be denied to the public due to lack of experience on the examiner's part. Patents should not be denied by examiners that feel their intelligence has been insulted when they are proven wrong. These are not mere accusations due to anger. I have repeatedly (and respectfully) pointed out errors made by the examiner Mark Tsidulko in past correspondence. I have presented valid arguments to him and his supervisors. Based on the correspondence I received from the USPTO I have no choice but to believe that my arguments were not thoroughly considered. Therefore I

Subject: Reply/Rebuttal to Notice of Abandonment and official notice of my grievance
(page 3 of 3)
Patent Application 10/800,789

believe that I have every right to respectfully make these statements. Once again I want to remind the USPTO that I have registered copyrights on file with the U.S. Copyright Office that protect my Cats' Heart Shape® drawings. I fully expect that the USPTO will not to grant any patent that will in anyway whatsoever infringe upon my copyrights. Further all documentation that I have sent to the USPTO and received from the USPTO is on file for future reference and is available upon request for examination at any time. In closing I strongly believe that my patent application was unjustly reviewed and processed. Never once did I receive a phone call from the examiner or supervisors to try to help the situation move forward in a positive direction. I called a few times and the service I received from Mark Tsidulko and John Ward was not helpful whatsoever so I gave up on verbal communication with them. Written correspondence wise the examiners and supervisors made every attempt to use a strategy of patent rules and time constraints with the specific goal of forcing my patent application into what the USPTO claims to be abandonment. I respectfully request an impeccable review of all correspondence between myself and the USPTO regarding my patent application. I am requesting this review because I firmly believe that I am right and have absolutely nothing to hide. Most importantly because I am the rightful patent owner of the Cats' Heart Shape Night Light ®. On the contrary I believe that Mark Tsidulko and his supervisors do have a lot to hide. If the USPTO can clearly show that I am wrong I will honorably accept it. However, I believe that you will find that my patent application was unjustly handled and an authorization for patent should be granted. I unequivocally believe this so much that I am now contemplating posting the entire correspondence on my soon to be published website catsheartshape.com. Respectfully submitted for the record.

Mark A. Court

Mark A. Court
Patent Application 10/800,789
Inventor of the "Cats' Heart Shape Night Light" ®